

EXHIBIT 223

Subject: RE: Recruiting
Date: Fri, 27 May 2005 20:53:36 -0700
From: "Bruce Chizen" <bchizen@adobe.com>
To: "Steve Jobs" <sjobs@apple.com>
Message-ID: <D7E5113BC7908A40BE31305B3E63E33A99CD89@sj-mail1.corp.adobe.com>

I'd rather agree NOT to actively solicit any employee from either company. If employee proactively approaches then it's acceptable.

If you are in agreement I will let my folks know.

From: Steve Jobs [mailto:sjobs@apple.com]
Sent: Thursday, May 26, 2005 6:27 PM
To: Bruce Chizen
Cc: Steve Jobs
Subject: Re: Recruiting

OK, I'll tell our recruiters that they are free to approach any Adobe employee who is not a Sr. Director or VP. Am I understanding your position correctly?

Steve

On May 26, 2005, at 4:15 PM, Bruce Chizen wrote:

I thought we agreed not to recruit any senior level employees (at Adobe this is Sr. Director/VP and represents about 2% of the population). I am pretty sure your recruiters have approached more junior ones.

I would propose we keep it this way. Open to discuss. It would be good to agree.

From: Steve Jobs [mailto:sjobs@apple.com]
Sent: Thursday, May 26, 2005 9:36 AM
To: Bruce Chizen
Subject: Recruiting

Bruce,

Adobe is recruiting from Apple. They have hired one person already and are calling lots more. I have a standing policy with our recruiters that we don't recruit from Adobe. It seems you have a different policy. One of us must change our policy. Please let me know who.

Steve

PS: Here's one of the many pings we've gotten from Adobe.

EXHIBIT 223
WIT: Morris
DATE: 8.21.2012
ANNE TORREANO, CSR #10520

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231APPLE002143

CONFIDENTIAL TREATMENT REQUESTED

CONFIDENTIAL

From: Jerry Sastri <jsastri@adobe.com>
Date: May 23, 2005 1:44:33 PM EDT (CA)
To: bereskin@apple.com
Subject: Hello Ken

Ken,

Hope you are doing well. I am doing an executive search here at Adobe for a Director of Product Marketing. I wanted to see if I could network with you for folks who might be looking for new opportunities.

Sincerely,

Jerry Sastri
Executive Recruiting | **nasdaq: ADBE**
408.536.5180 office
408.537.6313 fax
jsastri@adobe.com
Adobe Enterprise Solutions
www.adobe.com/enterprise/main.html

" #13 of Fortune's 100 Best Companies to Work For in 2005...."

www.fortune.com/fortune/bestcompanies

----- end message -----

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EXHIBIT 224

From: Bruce Chizen
Sent: Friday, May 27, 2005 9:27 PM
To: Shantanu Narayen <snarayen@adobe.com>; Theresa Townsley <townsley@adobe.com>
Subject: RE: Apple recruiting

Agree. We have lots of companies we can recruit from. Given the reasons that I stated way below, I think we should stay away from Apple unless an Apple employee approaches us.

From: Shantanu Narayen
Sent: Friday, May 27, 2005 9:25 PM
To: Theresa Townsley; Bruce Chizen
Subject: RE: Apple recruiting

I think the spirit has to be that we don't initiate contact with Apple employees even through our employees. If an Adobe employee is approached by an Apple employee I think it's okay to pass it on ...

From: Theresa Townsley [mailto:townsley@adobe.com]
Sent: Friday, May 27, 2005 9:22 PM
To: Shantanu Narayen; Bruce Chizen
Subject: RE: Apple recruiting

and if an Adobe employee refers an Apple employee through our referral program are you okay with that?

From: Shantanu Narayen [mailto:snarayen@adobe.com]
Sent: Friday, May 27, 2005 8:56 PM
To: Bruce Chizen; Theresa Townsley
Subject: RE: Apple recruiting

I agree.

From: Bruce Chizen
Sent: Friday, May 27, 2005 8:52 PM
To: Theresa Townsley; Shantanu Narayen
Subject: RE: Apple recruiting

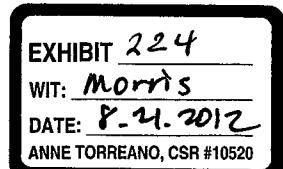
No active soliciting of any employee. Heads up on senior level approaching either company

From: Theresa Townsley [mailto:townsley@adobe.com]
Sent: Friday, May 27, 2005 8:33 PM
To: Shantanu Narayen; Bruce Chizen
Subject: RE: Apple recruiting

Just to clarify, are you both saying not to solicit any employee at any level?

Also, what is the agreement between you (Bruce) and Steve if Apple employees come to us directly? There is where I thought you two agreed that you would give each other a call if they were at the senior level.

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From: Shantanu Narayen [mailto:snarayen@adobe.com]
Sent: Friday, May 27, 2005 9:42 AM
To: Bruce Chizen; Theresa Townsley
Subject: RE: Apple recruiting

I agree – that was also my point to you yesterday. I am comfortable with no-solicit. Theresa?

sn

From: Bruce Chizen
Sent: Friday, May 27, 2005 9:29 AM
To: Theresa Townsley; Shantanu Narayen
Subject: Apple recruiting
Importance: High

It would be great if the two of you could discuss and let me know how I should respond.

My feeling is that at this point, if I tell Steve it's open season (other than senior managers), he will deliberately poach Adobe just to prove a point. Knowing Steve, he will go after some of our top Mac talent like Chris Cox and he will do it in a way in which they will be enticed to come (extraordinary packages and Steve wooing).

My opinion it's not worth it and we should agree to to actively solicit employees in both directions. With that said, I will defer to the two of you. Please let me know by ASAP.

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